

UNITED STATES BANKRUPTCY COURT  
EASTERN DISTRICT OF VIRGINIA  
RICHMOND DIVISION

In re: Carlos Guillermo Guevara,  
Maria Eugonia Giraldo, Debtors

)  
)

Case No. 15-34384-KRH  
Chapter 13

**OBJECTION TO CONFIRMATION**

COMES NOW Elizabeth C. Brogan, Counsel for Suzanne E. Wade, Chapter 13 Trustee, and moves this Court to deny confirmation of the Chapter 13 Plan (the "Plan") dated November 9, 2015, for the cause as follows:

1. The Debtors filed this Chapter 13 Petition, now pending in the United States Bankruptcy Court, Eastern District of Virginia, Richmond Division, on August 21, 2015 under 11 U.S.C. Chapter 13.
2. This Objection is filed pursuant to 11 U.S.C. § 1325(b)(1)(B).
3. The Debtors have filed one previous Chapter 13 Plan, dated August 21, 2015. Objections to confirmation were filed by both the Trustee and by a mortgage lender. The mortgage lender's Objection was sustained by agreement on November 10, 2015, giving rise to the amended instant Plan.
4. The above-filed Chapter 13 case is not eligible for confirmation due to the Debtors' failure to provide adequate information regarding their household income and expenses. The Debtors' amended Schedule J lists rent, utility, and public transportation expenses not listed in the Debtors' initial budget. The Trustee requests the Debtors provide proof of these expenses, as well as additional information to clarify which of them resides in New York, and which, if either, in their Henrico County home; to allow the Trustee to confirm the Debtors' Plan complies with the requirements of 11 U.S.C. § 1325(b)(1)(B). The Trustee further requests the Debtors provide additional paystubs from Ms. Giraldo's new employment.

WHEREFORE, for the reasons stated herein, the Chapter 13 Trustee, by Counsel, respectfully moves the Court to deny confirmation of the Debtors' proposed Chapter 13 Plan, and for such further and other relief as the Court deems necessary.

Date: December 10, 2015

/s/ Elizabeth C. Brogan

Elizabeth C. Brogan, Counsel for  
Suzanne E. Wade, Chapter 13 Trustee

**Elizabeth C. Brogan**  
Counsel for Suzanne E. Wade, Chapter 13 Trustee  
Virginia State Bar Number 76539  
1313 East Main Street, Suite A  
Post Office Box 1780  
Richmond, Virginia 23218-1780  
(804) 775-0979

**CERTIFICATE OF SERVICE**

I hereby certify a true copy of the foregoing OBJECTION TO CONFIRMATION was served electronically or by first-class mail, postage prepaid, this 10th day of December, 2015, upon the following parties:

Carlos Guillermo Guevara  
Maria Eugonia Giraldo  
P.O. Box 720279  
Jackson Heights, NY 11372

Richard James Oulton, Counsel for Debtors  
America Law Group, Inc.  
8501 Mayland Dr.  
Suite 106  
Henrico, VA 23294  
2debtlawgroup@gmail.com

Can Guner, Counsel for Ocwen Loan Servicing, LLC  
Robertson, Anschutz & Schneid  
6409 Congress Ave., #100  
Boca Raton, FL 33487  
cguner@rasmonitor.com

Carl A. Eason, Counsel for Deutsche Bank National Trust Company  
Wolcott Rivers Gates  
200 Bendix Road, Suite 300  
Virginia Beach, VA 23452-1385  
eason@wolriv.com

/s/ Elizabeth C. Brogan  
Elizabeth C. Brogan, Counsel for  
Suzanne E. Wade, Chapter 13 Trustee

**Elizabeth C. Brogan**  
Counsel for Suzanne E. Wade, Chapter 13 Trustee  
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EASTERN DISTRICT OF VIRGINIA  
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In re: Carlos Guillermo Guevara,  
Maria Eugonia Giraldo, Debtors

P.O. Box 720279  
Jackson Heights, NY 11372

XXX-XX-2260  
XXX-XX-5553

Case No. 15-34384-KRH  
Chapter 13

## NOTICE OF OBJECTION TO CONFIRMATION AND NOTICE OF HEARING

Elizabeth C. Brogan, Counsel for Suzanne E. Wade, Chapter 13 Trustee, has filed papers with the Court objecting to the confirmation of your Chapter 13 Plan dated November 9, 2015.

**Your rights may be affected.** You should read these papers carefully and discuss them with your attorney, if you have one in this bankruptcy case. If you do not have an attorney, you may wish to consult one.

If you do not want the Court to grant the relief sought in the Objection, or if you want the Court to consider your views on the Objection, then on or before three (3) days before the date of the hearing, you or your attorney must:

**X** File with the Court, at the address shown below, a written response pursuant to Local Bankruptcy Rule 9013-1(H). If you mail your response to the Court for filing, you must mail it early enough that the Court will **receive** it on or before the date stated above.

Clerk of Court  
United States Bankruptcy Court  
701 East Broad Street, Suite 4000  
Richmond, Virginia 23219

You must also mail a copy to:

Elizabeth C. Brogan  
Counsel for Suzanne E. Wade, Chapter 13 Trustee  
Post Office Box 1780  
Richmond, Virginia 23218-1780

**Elizabeth C. Brogan**  
Counsel for Suzanne E. Wade, Chapter 13 Trustee  
Virginia State Bar Number 76539  
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(804) 775-0979

X Attend the hearing on the Objection, scheduled to be held on **December 22, 2015** at **11:10 a.m.** at **United States Bankruptcy Court, 701 East Broad Street, Room 5000, Richmond, VA 23219.**

If you or your attorney do not take these steps, the Court may decide that you do not oppose the relief sought in the Objection, and may enter an order granting that relief.

Date: December 10, 2015

/s/ Elizabeth C. Brogan  
Elizabeth C. Brogan, Counsel for  
Suzanne E. Wade, Chapter 13 Trustee

**Elizabeth C. Brogan**  
Counsel for Suzanne E. Wade, Chapter 13 Trustee  
Virginia State Bar Number 76539  
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Richard James Oulton, Counsel for Debtors  
America Law Group, Inc.  
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[eason@wolriv.com](mailto:eason@wolriv.com)

/s/ Elizabeth C. Brogan  
Elizabeth C. Brogan, Counsel for  
Suzanne E. Wade, Chapter 13 Trustee

**Elizabeth C. Brogan**  
Counsel for Suzanne E. Wade, Chapter 13 Trustee  
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